IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

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| BULL MOUNTAIN SANITATION, LLC., | CV 18-147-SPW-TJC |
| Plaintiff, | **ORDER** |
| vs. | |
| ALLIED WASTE SERVICES OF NORTH AMERICA, L.L.C., d/b/a REPUBLIC SERVICES OF MONTANA, and BAYSIDE DISPOSAL, INC., d/b/a DISPOSAL SERVICE OF MONTANA, | |
| Defendant. | |

Plaintiff Bull Mountain Sanitation, LLC., moved this Court to set a second Scheduling Conference on September 19, 2019 (Doc. 26), and subsequently filed an Amended Motion to Set Second Scheduling Conference (Doc. 27) the same day.  Defendants responded on September 24, 2019.  (Doc. 28.)

Defendants correctly point out that Plaintiff did not file a supporting brief in accordance with Local Rule 7.1(d)(1)(A).  (Doc. 28 at 5.)  That rule requires that a motion be accompanied by a separately filed brief in support of the motion, and "[f]ailure to file a brief will result in denial of the motion, subject to refiling in compliance with the rule." L.R. 7.1(d)(1)(A).

Therefore, IT IS ORDERED that Plaintiff's Amended Motion to Set Second

Scheduling Conference (Doc. 27) is DENIED without prejudice, and Plaintiff's

original motion (Doc. 26) is DENIED as moot.

IT IS FURTHER ORDERED, Plaintiff may refile its motion, accompanied

by a supporting brief.  If Plaintiff chooses to refile its motion and submit a brief,

Plaintiff shall address the good cause requirement for modification of a scheduling

order under F. R. Civ. P. 16(b)((4).  Defendants may respond to the motion as

provided by L.R. 7.1(d)(1)(B)(ii).

In addition, David L. Charles has entered an "appearance as counsel of

record on behalf" of Plaintiff.  (Doc. 25.)  Plaintiff has previously been represented

by Kenneth D. Tolliver and Tyler T. Dugger of the Tolliver Law Firm P.C.  If it is

Plaintiff's intent to change attorneys, substitution of counsel must be conducted in

accordance with L.R. 83.3.

DATED this 25th day of September, 2019.

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TIMOTHY J. CAVAN
United States Magistrate Judge